

COUNTRYMAN & McDANIEL

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HAAS INDUSTRIES, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO

ONE BEACON INSURANCE COMPANY,) **CASE NO. 3:07-CV-03540-BZ**
a corporation,)

Plaintiff,) **OBJECTION BY HAAS INDUSTRIES,**
) **INC. TO SEPARATE STATEMENT OF**
) **UNDISPUTED FACTS**

vs.)

HAAS INDUSTRIES, INC., a) **Date: April 2, 2008**
corporation,) **Time: 10:00 a.m.**
) **Courtroom: Courtroom G**

Defendants.)

Defendant HAAS Industries, Inc. respectfully objects to the Separate Statement of Undisputed Facts in that neither Undisputed Fact is relevant to the issues raised by plaintiff's Motion. Fed. R. Evid. 402 provides in relevant part that: "Evidence which is not relevant is not admissible."

Defendant presumes that plaintiff will argue from the FOB nature of the shipment that the accord and satisfaction with Omneon Video Networks ("Omneon") was with a party lacking standing to settle the claim. However, as is clear from the declaration of Carmen Holster, Defendant's Comptroller, Omneon in every way

1 possible presented itself as the proper claimant. Whether the
2 shipment was or was not FOB is therefore not relevant.

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4 As is clear from the discussion at Point IV of Defendant's
5 Opposition, the distinction between contract and common carriers is
6 not relevant to the pending issue, which has nothing to do with
7 whether cargo liability insurance is necessary on the part of the
8 carrier.

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10 Dated: March 12, 2008

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14 By: *Geoffrey W. Gill*

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